

Date signed June 13, 2006



A handwritten signature in cursive script, reading "Paul Mannes".

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In Re:	Case No. 05-17945PM
Robert Elliot Miller and Elizabeth Pace Miller,	Chapter 7
Debtors.	

MEMORANDUM OF DECISION

Before the court are two Objection to Claims filed by the debtors to Claims No. 11 and No. 21 as duplicative of Claims No. 29 and No. 24, respectively. While it is true that a debtor has standing to file objections to claim in a solvent case, Willemain v. Kivitz (In re Willemain), 764 F.2d 1019 (CA4 1985), debtor, Robert Elliot Miller, acknowledged on the record that the estate was insolvent. Nonetheless, for the benefit of the Chapter 7 Trustee, the court will issue this Memorandum of Decision.

Under the version of F.R.B.P. Rule 3004 in effect at the time of the filing of this bankruptcy case under chapter 7, a proof of claim filed by the creditor pursuant to F.R.B.P. Rule 3002 supercedes the proof of claim filed by the Trustee. Claim No. 29, filed by creditor Corey E. Hoffman was filed after the Trustee filed Claim No. 11 on his behalf. Therefore, no objection is necessary.

As to the second alleged duplicate claim, the Trustee filed two claims on behalf of Citibank -- one claim (No. 21) in the sum of \$6,749.82 and a second claim (No. 24) in the sum of \$7,525.85. Both claims are based upon the debtors' schedules. Debtors urge that Claim No. 21 is subsumed in Claim No. 24 and that the Trustee was misled by debtors' schedules. This may well be the case as the last four digits of the account number appear the same for the two entries on debtors' Schedule F. This is a matter for the Trustee to investigate.

An appropriate order will be entered.

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End of Memorandum Decision